

1 BEFORE THE ARIZONA MEDICAL BOARD

2 In the Matter of

3 **Subhaschand Ramnauth, M.D.**

4 Applicant for Licensure #31498
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

Case No. MD-15-0417A

**ORDER GRANTING PROBATIONARY
LICENSE AND CONSENT TO THE
SAME**

7 Subhaschand Ramnauth, M.D. ("Respondent"), elects to permanently waive any
8 right to a hearing and appeal with respect to this Order granting his application for
9 licensure subject to terms and conditions for probation; admits the jurisdiction of the
10 Arizona Medical Board ("Board"); and consents to the entry of this Order by the Board.

11 **FINDINGS OF FACT**

12 1. The Board is the duly constituted authority for the regulation and control of
13 the practice of allopathic medicine in the State of Arizona.

14 2. Respondent is an applicant for licensure for the practice of allopathic
15 medicine in the State of Arizona.

16 3. The Board initiated case number MD-15-0417A after Respondent submitted
17 his application for medical licensure in which he answered "yes" to Background Questions
18 4, 8 and 14, and stating that he was suspended or resigned during his vascular training in
19 2002, was named as a defendant in a medical malpractice matter that settled in 2012, that
20 he had action taken against hospital privileges in New Jersey and that he had entered into
21 a non-disciplinary consent agreement with the New Jersey Medical Board ("NJ Board").

22 4. Respondent is a Board-certified vascular surgeon with active licenses in
23 Michigan, New York, Ohio, New Jersey, Connecticut and Pennsylvania, with no reports of
24 New Jersey. Respondent previously held a license in Arizona in 2003 that was cancelled
25 in 2004.

1 5. On his application for licensure, Respondent disclosed that he was
2 suspended during Vascular Surgery training at Wayne State University (WSU) in 2002.
3 Respondent reported that he did not resign from WSU but transferred after 17 months to
4 another vascular training program in Ohio where he completed an additional year of
5 training. Board staff obtained verification from WSU and Ohio, which confirmed that
6 Respondent successfully completed his residency at WSU and fellowship at Jobst
7 Vascular Institute in Toledo Ohio in 2004.

8 6. Respondent disclosed a medical malpractice settlement arising out of a radio
9 frequency ablation procedure performed by Respondent. The Board's Medical Consultant
10 reviewed the case and found that Respondent deviated from the standard of care by failing
11 to further evaluate a new finding of neuropraxia prior to elective radio frequency ablation
12 and failed to cancel or postpone the procedure, likely worsening the patient's nerve injury.

13 7. Respondent additionally disclosed that his privileges to perform closed
14 vascular and endovascular procedures were placed on precautionary suspension, and
15 then reinstated subject to supervision at hospital where he held privileges ("Hospital").
16 Respondent subsequently resigned his privileges prior to the full reinstatement of his
17 privileges at the Hospital. The Hospital based its decision on concerns about his clinical
18 judgment and patient complication rate. Respondent informed the Board that he
19 experienced complications with a complex and high risk patient population, but that his
20 complication rate was significantly below the national average.

21 8. On January 23, 2014, Respondent entered into a non-disciplinary Consent
22 Agreement with the NJ Board ("Consent") based on the adverse action reports generated
23 by the Hospital's actions. Pursuant to the terms of the Consent, the pending investigation
24 into Respondent by the NJ Board was terminated and Respondent agreed to complete a
25 one year fellowship offered by a Heart Hospital in Arizona ("Fellowship").

9. Since January 2014, Respondent has been performing office based practices in New Jersey in the treatment of vascular disorders, minimally invasive treatment of chronic venous disease and varicose veins, and limited interventions for chronic limb ischemia.

10. After reviewing Respondent's case, the Board voted to grant licensure, subject to probationary conditions, namely that the Respondent's Arizona practice would be limited to participation in the Fellowship under the supervision of the director of the Fellowship program or their designee. The Board further voted that once Respondent has satisfactorily completed the Fellowship, Respondent may request an unrestricted Arizona medical license, provided he demonstrates to the Board's satisfaction that he is safe to practice medicine.

CONCLUSIONS OF LAW

a. The Board possesses jurisdiction over the subject matter hereof and over Respondent and may issue probationary licenses pursuant to A.R.S. § 32-1427(H).

b. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(27)(q) ("[a]ny conduct or practice that is or might be harmful or dangerous to the health of patient or the public.").

ORDER

IT IS HEREBY ORDERED THAT:

1. Upon written receipt of a letter by the Medical Director of the Fellowship agreeing to provide supervision for Respondent as stated in paragraph 3 herein, this Agreement will be executed and Respondent's application for license #31498 is granted subject to the following probationary conditions:

2. Respondent is placed on Probation for a period of time equal to the length of Respondent's participation in the Fellowship.

1 3. During the period of Probation, Respondent's practice is restricted to
2 participation in the Fellowship. Respondent's participation in the Fellowship shall be
3 supervised by the Medical Director or their designee ("Director"). Respondent shall
4 provide the Director with a copy of this Order and thereafter Respondent shall provide the
5 Board with a letter from the Director that he or she has reviewed the Order, and agrees to
6 provide supervision for Respondent as stated herein including reporting unprofessional
7 conduct to the Board pursuant to A.R.S. § 32-1451(B). In the event that Respondent
8 ceases participation in the Fellowship prior to completion, he shall contact the Board within
9 five days of his termination or resignation.

10 4. Respondent shall also comply with the following terms and conditions:

11 a. **Obey All Laws**

12 Respondent shall obey all state, federal and local laws, all rules governing the
13 practice of medicine in Arizona, and remain in full compliance with any court ordered
14 criminal probation, payments and other orders.

15 b. **Tolling**

16 In the event Respondent should leave Arizona to reside or practice outside the
17 State or for any reason should Respondent stop practicing medicine in Arizona,
18 Respondent shall notify the Executive Director in writing within ten days of departure and
19 return or the dates of non-practice within Arizona. Non-practice is defined as any period of
20 time exceeding thirty days during which Respondent is not engaging in the practice of
21 medicine. Periods of temporary or permanent residence or practice outside Arizona or of
22 non-practice within Arizona, will not apply to the reduction of the probationary period.

23 c. **Probation Termination**

24 Prior to the termination of Probation, Respondent must submit a written request to
25 the Board for release from the terms of this Order. Respondent's request for release will

1 be placed on the next pending Board agenda to determine whether Respondent is eligible
2 for a full, unrestricted Arizona medical license, provided a complete submission is received
3 by Board staff no less than 14 days prior to the Board meeting. Respondent's request for
4 release must provide the Board with evidence establishing that he has successfully
5 completed the Fellowship and that he is safe to practice medicine. The Board has the
6 sole discretion to determine whether all of the terms and conditions of this Order have
7 been met or whether to take any other action that is consistent with its statutory and
8 regulatory authority, including requiring Respondent to complete any additional testing or
9 evaluations in order to demonstrate that he is safe to practice medicine.

10 5. The Board retains jurisdiction and may initiate new action against
11 Respondent based upon any violation of this Order.

12 DATED AND EFFECTIVE this 11th day of April, 2016.
13

14 ARIZONA MEDICAL BOARD

15
16 By Patricia E. McSorley
17 Patricia E. McSorley
18 Executive Director

19 **CONSENT TO ENTRY OF ORDER**

20 1. Respondent has read and understands this Consent Agreement and the
21 stipulated Findings of Fact, Conclusions of Law and Order ("Order"). Respondent
22 acknowledges he has the right to consult with legal counsel regarding this matter.

23 2. Respondent acknowledges and agrees that this Order is entered into freely
24 and voluntarily and that no promise was made or coercion used to induce such entry.
25

1 3. By consenting to this Order, Respondent voluntarily relinquishes any rights to
2 a hearing or judicial review in state or federal court on the matters alleged, or to challenge
3 this Order in its entirety as issued by the Board, and waives any other cause of action
4 related thereto or arising from said Order.

5 4. The Order is not effective until approved by the Board and signed by its
6 Executive Director.

7 5. All admissions made by Respondent are solely for final disposition of this
8 matter and any subsequent related administrative proceedings or civil litigation involving
9 the Board and Respondent. Therefore, said admissions by Respondent are not intended
10 or made for any other use, such as in the context of another state or federal government
11 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
12 any other state or federal court.

13 6. Upon signing this agreement, and returning this document (or a copy thereof)
14 to the Board's Executive Director, Respondent may not revoke the consent to the entry of
15 the Order. Respondent may not make any modifications to the document. Any
16 modifications to this original document are ineffective and void unless mutually approved
17 by the parties.

18 7. This Order is a public record that will be publicly disseminated as a formal
19 disciplinary action of the Board and will be reported to the National Practitioner's Data
20 Bank and on the Board's web site as a disciplinary action.

21 8. If any part of the Order is later declared void or otherwise unenforceable, the
22 remainder of the Order in its entirety shall remain in force and effect.

23 9. If the Board does not adopt this Order, Respondent will not assert as a
24 defense that the Board's consideration of the Order constitutes bias, prejudice,
25 prejudgment or other similar defense.

1 10. Any violation of this Order constitutes unprofessional conduct and may result
2 in disciplinary action. A.R.S. § § 32-1401(27)(r) ("[v]iolating a formal order, probation,
3 consent agreement or stipulation issued or entered into by the board or its executive
4 director under this chapter.") and 32-1451.

5 11. ***Respondent has read and understands the conditions of probation.***

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7 mm th
8 SUBHASCHAND RAMNAUTH, M.D.

DATED: 3/15/2016

9
10 EXECUTED COPY of the foregoing mailed
11 this 11th day of April, 2016 to:

12 Subhaschand Ramnauth, M.D.
13 Address of Record

14 ORIGINAL of the foregoing filed
15 this 11th day of April, 2016 with:

16 Arizona Medical Board
17 9545 E. Doubletree Ranch Road
18 Scottsdale, AZ 85258

19 Mary Bailey
20 Board Staff